

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

PERCY HUTTON,	:	Case No. 1:05-CV-2391
	:	
Petitioner,	:	
	:	JUDGE CHRISTOPHER A. BOYKO
vs.	:	
	:	
BETTY MITCHELL, Warden,	:	<u>ORDER</u>
	:	
Respondent.	:	

On December 29, 2006, the Court issued an Order denying Petitioner Percy Hutton's ("Hutton") Motion for Investigator and Motion for Discovery, (ECF DKT # 27). Therein, the Court denied Hutton's request to factually develop his claims in this Court until pending litigation in the Ohio courts on the identical issues concluded. Hutton then filed a First Status Report of State Court Proceedings on January 24, 2007. (ECF DKT # 28). He pledged he would "immediately provide notice to this Court as to any substantive rulings by the state courts on the relative motions and/or claims." *Id.* at 2. Since the filing of that document, the Court has received no updated information regarding the status of Hutton's state court litigation.

While there may be no new activity in those proceedings since Hutton filed the First Status Report, given the passage of time the Court now orders Hutton to file a supplemental

report regarding the status of his pending state court litigation. Hutton shall file subsequent status reports with the Court in sixty (60) day increments thereafter.

In addition to filing the interim status reports, Hutton shall notify the Court immediately upon the conclusion of his state court proceedings. Hutton shall have sixty (60) days after the conclusion of his state court litigation in which to file a renewed motion for discovery and/or motion for investigator.

**IT IS SO ORDERED.**

**FILED**

OCT - 10 2007

CLERK OF COURTS  
U.S. DISTRICT COURT, N.D.O.  
CLEVELAND

*Christopher A. Boyko*  
CHRISTOPHER A. BOYKO  
UNITED STATES DISTRICT JUDGE